

## **JUDGE'S PROCEDURAL RULES AND POLICIES**

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Workers' Compensation Judge. All documents, including evidence and briefs, that would have been submitted to a Workers' Compensation Judge by mail or in person prior to WCAIS should now be uploaded into WCAIS. If Social Security numbers appear on any such document, they should be completely redacted before the document is uploaded, unless otherwise specified below. All communications with the Judge, including but not limited to requests, should be submitted through WCAIS unless otherwise specified by the Judge.

## **HEARING PROCEDURES**

### **1. What is the first event and what will occur?**

The first event is a 15 or 30 minute virtual hearing. On Claimant's Petitions (Claim, Reinstate, Challenge) my expectation is that Claimant's testimony will be presented at the first hearing. On Claimant's other Petitions (Review, Penalty) and Employer's Petitions it is not my expectation that testimony will be presented. A trial schedule will be given to the parties and a mandatory mediation will be scheduled.

#### **a. List any documents required at the first event:**

**I do not require a first hearing filing. I expect that the relevant Bureau documents will be uploaded.**

#### **b. Should documents be uploaded as Exhibits or Letters to the Judge?**

**Bureau documents should be uploaded as exhibits.**

### **2. Describe the format of your hearings (e.g., serial, one day – one trial).**

**I use a modified serial hearings format. I schedule consistent with the needs of the litigants rather than every 60 or 90 days.**

### **3. Are you willing to change the hearing format upon request?**

**Yes. I am willing to conduct pre-trials on Claimant's Petitions when requested.**

### **4. What factors will you consider in deciding whether to conduct a hearing in-person?**

**My preference is to see the Claimant and any other witness whose credibility may be at issue by video or in-person. Factors to be considered include geographic distance, availability of the witness and availability of technology. If video is not available to the witness an in-person hearing will be scheduled.**

### **5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video?**

**See #4.**

### **6. What procedure do you follow if a party fails to appear at a hearing?**

**My first endeavor is to try to determine if the absent party had Notice of the hearing. If my determination is the party had notice my normal practice is to reschedule the hearing. If my determination is they did not**

**have notice my office attempts to obtain a current address before rescheduling. The one caveat is I will grant supersedeas if Claimant had notice and fails to appear at the supersedeas hearing.**

**7. Do you have special procedures for psychological injury cases?**

**No.**

### **SUPERSEDEAS PROCEDURES**

**1. What are your procedures for supersedeas hearings?**

**My expectation is both parties will present affidavits from Claimant or other witnesses for supersedeas. A request to present Claimant or other witnesses at the supersedeas hearing will be considered by this Judge but ONLY if the request is made BEFORE the hearing.**

**a. Will testimony be heard?**

See above.

**b. Is additional time generally granted to obtain medical evidence?**

Yes, my expectation is Employer will have their medical evidence in support of supersedeas at the hearing. It is my custom to allow Claimant 14 days to submit evidence contra to the supersedeas request although longer periods will be allowed for good cause.

**c. Under what circumstances will you reconsider a supersedeas order?**

**I will reconsider supersedeas in any case where additional evidence is submitted by the party requesting reconsideration. Additional evidence could include Claimant's original submission of evidence where supersedeas has been granted based on Claimant's initial failure to submit evidence. I do require a hearing on reconsideration unless both parties waive their right to a hearing.**

**d. Do you generally use written orders for denials?**

Yes. All of my supersedeas orders are written orders.

**e. What is required for employee's counsel to obtain interim fee approval?**

Submission of the fee agreement and confirmation by Claimant at the supersedeas hearing of the agreement or reference to the fee agreement in Claimant's affidavit.

**f. Describe any other procedures for supersedeas hearings:**

**N/A**

**g. Describe procedures for special supersedeas hearings, if different:**

**N/A**

### **WITNESSES/EXHIBITS**

**1. What are your rules regarding taking testimony?**

**Claimant's testimony is expected at the first listing of Claim, Challenge and Reinstatement Petitions. Otherwise, notice of a witness is required 30 days before the hearing. Notice should be by WCAIS Request/Notification to the Judge.**

2. Do you require testimony at a virtual hearing, an in-person hearing, or by deposition?

My preference is by video or in-person, but other arrangements can be made with agreement of the parties.

3. Under what circumstances will you change your requirements for presentation of testimony?

Good cause shown by one party or agreement of the parties.

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Yes. If yes, how much notice do you require? 30 days.

5. What is your procedure regarding the order of expert medical testimony when cross petitions are filed?

My general rule is the party who filed the first Petition where medical evidence is at issue will present its evidence first. There are occasions where cross petitions are filed where the order may be reversed for reasons of judicial economy.

6. Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?

Parties upload.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Preference is before. If before, how far in advance of the hearing must they be uploaded? No specific timeframe.

8. When will you rule on objections to exhibits?

If the Objection is made on the record I will rule on the Objection on the record or by Interlocutory Order. Objections raised by WCAIS Request will not be ruled on in WCAIS but rather by Interlocutory Order. I will reference the Objection and ruling in my final decision to preserve appellate rights. If a party preserves objections at the end of the litigation I will rule on the Objections in my final decision.

9. What is your procedure for handling discovery disputes?

I will utilize a conference call on occasion but my preference is to address these issues on the record with the court reporter present.

10. What is the last day to file written preservations of deposition objections?

The last day a party may file preserved objections is the date their brief is due.

### **COMPROMISE & RELEASES (C&Rs)**

1. Describe your procedures regarding the review of C&R Agreements:

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- a. Are you willing to allow amendments of existing petitions or do you require the filing of a separate Petition Seeking Approval of a C&R Agreement?

Yes. I do not require a separate Petition.

- b. Are parties required to provide a draft of the C&R Agreement before the hearing? No If yes, how far in advance of the hearing do you need to receive it?

N/A

- c. Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?

Before when possible.

- d. Should child support documents be uploaded as a separate exhibit?

Yes. Redacted documents.

- e. Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?

Yes.

- f. Will you sign bench orders?

No.

- g. Describe any other procedures you have for C&R Agreements:

N/A

### **STIPULATIONS RESOLVING DISPUTES**

1. What are your usual procedures regarding the submission, review, and adoption of stipulations?

**The Stipulation should be submitted as a WCAIS Notification to the Judge for review and decision.**

2. Should the fee agreement be part of the stipulation or separate exhibit?

**Separate exhibit.**

3. Should child support documents be uploaded as a separate exhibit?

**Yes. Redacted.**

4. What other exhibits should be uploaded (i.e. medical bills, etc.)?

**I prefer that other exhibits be uploaded as separate exhibits and not as part of the Stipulation.**

5. Should other exhibits uploaded as be part of the stipulation or as separate exhibits?

**Separate exhibits.**

6. When should Social Security numbers and other confidential information be redacted from the stipulation and Act 109 documents?

Always.

7. Describe any other procedures you have for stipulations:

N/A

**BRIEFS AND PROPOSED FINDINGS**

1. Will you close a case via WCAIS submission or is a final hearing required?

WCAIS submission. Final hearing not required.

2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met?

I generally set the briefing schedule at the final hearing or by briefing letter in WCAIS. My procedure if the brief or briefs are not received is to place the case in line for decision. My office will not call looking for your brief. Late briefs will be considered absent an appropriate objection by the opposing party.

3. Describe any preferences regarding the format and content of final submissions:

I prefer proposed Findings and Conclusions rather than long summaries of the evidence which look like appellate briefs. Citation to the record is helpful. Legal argument is useful when there is a legal issue but not so much when the facts or witness credibility are the issue.

**MANDATORY MEDIATIONS**

1. List the offices where you conduct mandatory mediations:

Altoona, Johnstown and Lewistown remote site (Mifflin County Courthouse).

2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in-person?

The preference of the parties is paramount.

3. What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video?

**I have not found any difference between mandatory mediation by audio or video. I have no preference. I will consider the preference of the parties.**

4. Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? Yes. If so, under what circumstances?

**For good cause shown.**

5. Do you require a Mediation Statement? No. If yes:

a. What information do you require in that Statement?

N/A

b. What documents, if any, must accompany the Statement?

N/A

- c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?

N/A

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Yes when appropriate. If so, how long until it is rescheduled? Preference of parties and Judge availability.

7. Are you willing to conduct more than one mandatory mediation session per Dispute?

Yes. As long as we seem to be progressing I am willing to schedule additional sessions.

8. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?

The day before the mediation at the close of business (4:00 pm)

9. What else should the parties know or do before the mediation?

N/A

### **VOLUNTARY MEDIATIONS**

1. Do you conduct Voluntary Mediations?

Yes.

2. How should the parties request a Voluntary Mediation?

WCAIS

3. List the locations where you conduct in-person voluntary mediations:

Altoona, Johnstown and Lewistown remote site (Mifflin County Courthouse).

4. Will you conduct virtual voluntary mediations? Yes. If yes, for which WCOA Districts will you conduct them?

All.

5. Do you mediate Disputes assigned to you for hearing and decision?

Yes when appropriate. This is not my preference.

6. Do you mediate Disputes in which one or both parties are unrepresented? Yes. If yes, describe any special procedures you have for such cases:

No special procedures.

7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person? I have no preference. I will consider the preference of the parties.

8. What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or by audio with video?

Preference of parties.

9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? Yes. If so, under what circumstances?

Good cause shown.

10. Do you require a Mediation Statement? No. If yes:

- a. What information do you require in that Statement?

N/A

- b. What documents, if any, must accompany the Statement?

N/A

- c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?

N/A

11. After you approve a Voluntary Mediation Request, how long until it is scheduled?

First available that works for the parties.

12. Are you willing to conduct more than one voluntary mediation session per Dispute?

Yes. As long as we seem to be progressing I will hold multiple sessions.

13. If the party wants to request cancellation or postponement of a voluntary mediation on a Dispute assigned to you, should they contact you or the mediating Judge?

Mediating Judge.

14. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?

No limitation on Voluntary Mediation.

15. What else should the parties know or do before the mediation?

N/A

## **REQUESTS/MISCELLANEOUS**

1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?

**I am generally quite liberal in granting continuances and extensions and try to be flexible regarding changing hearing times. You should request an extension before the deadline has arrived.**

2. Under what circumstances do you conduct off the record conference calls?

**Good cause shown. My preference is to schedule a quick audio hearing and address the issue on the record.**

3. Under what conditions/circumstances do you accept e-mails from parties?

**With the advent of WCAIS the parties should use the Notification or Request features of the system.**

4. Do you adhere strictly to the duration listed for a Hearing or Mediation?

I do not strictly adhere to my schedule for hearings or mediations within the limitations of the virtual format.

5. What is the best way to contact you in an emergency situation?

**Contact my assistant.**

6. What is your snow/emergency cancellation policy regarding in-person and virtual events (i.e., do you follow a specific school district closing schedule, etc.)?

**In-person events may be converted to virtual events when there is a snow or other emergency. A decision on such conversion will be made the day before the event. There are no snow days for virtual events.**